

MEETING RECORD

NAME OF GROUP: City Board of Zoning Appeals

DATE, TIME AND

PLACE OF MEETING: Friday, September 29, 2004, 1:30 p.m., Hearing Chambers,
County-City Building, 555 South 10th Street, Lincoln, Nebraska

MEMBERS AND OTHERS

IN ATTENDANCE:

Members: Gene Carroll, George Hancock, Gerry Krieser,
Tom Wanser, and Linda Wibbels.
Others: Terry Kathe (Building & Safety), Tonya Skinner
(City Law Dept.), Becky Horner and Michele
Abendroth (Planning Dept.), applicants and
other interested parties.

STATED PURPOSE

OF THE MEETING: Regular Meeting of the City Board of Zoning Appeals

Mr. Carroll called the meeting to order at 1:31 p.m.

Approval of the minutes of the August 27, 2004 meeting

Mr. Wanser made a motion to approve the August 27, 2004 minutes, seconded by Ms. Wibbels. Motion carried 5-0. Carroll, Hancock, Krieser, Wanser and Wibbels voting 'yes'.

Appeal No. 2374 by Mark Hunzeker (Due to a change in the application, the applicant has requested this item to be delayed until November.)

PUBLIC HEARING

October 29, 2004

Becky Horner submitted into record three letters received from neighbors in opposition to this application. The applicant is revising the application and has requested a deferral until the next meeting.

Mr. Hancock moved to defer the application, seconded by Mr. Wanser. Motion carried 5-0. Carroll, Hancock, Krieser, Wanser and Wibbels voting 'yes'.

Appeal No. 2373 by Ron Tucker for a variance to increase the height of an accessory building on property generally located at 2819 Van Dorn Street.

PUBLIC HEARING

October 29, 2004

Ron Tucker, owner of the property, stated that he is asking for a 10 foot variance to the height of the garage. He distributed two letters from neighbors in support of the application. He wants to build the garage higher because he feels it will fit better in the neighborhood. He looked at putting it outside the side yard setback but he feels it would destroy some of the features of the lot. They are trying to put it in the most optimal place. The existing garage would be made into living space. At that point, the garage would be subordinate to the project. He has some new plans which he submitted to the record. They are trying to avoid putting the garage in the middle of the yard.

Mr. Wanser asked why he couldn't move the garage 8 feet to the west, which would meet all codes. Mr. Tucker responded that the structure could be built in the middle of the yard but he feels it would ruin the value of the property.

Mr. Hancock stated that the rear yard slopes down rather abruptly and asked where the garage would be in relation to the slope. Mr. Tucker stated that the floor of the garage level would be even with the level of the patio, and the entrance would be located at the end of the existing patio approximately 24 feet from the house.

Mr. Carroll asked if there was further testimony in favor of or against the appeal.

Jay John Grainger, 2929 Van Dorn Street, stated that all the houses in the neighborhood were built in the 1920's and the zone variances have been put into place in the 1950's. They don't apply to these houses. He is in favor of Mr. Tucker's proposal.

Linda Wibbels asked what the side yard setback is. Terry Kathe stated that if the property is a lot of record as of 1953, the side yard setback may be reduced to 10% of the width of the lot, but no less than 5 feet. Ms. Wibbels then asked if the property is a lot of record, Becky Horner stated that she did not know, but she would research it and contact the applicant.

Mr. Carroll asked if there was further testimony in favor of or against the appeal. With no one appearing further, Mr. Carroll closed the hearing.

ACTION

October 29, 2004

Ms. Wibbels moved approval of the application, seconded by Mr. Wanser. Ms. Wibbels stated that she is moving for approval because most of these properties in this area do not meet the R1 zoning requirement. It is difficult to match today's requirements when the property didn't even exist at the time of the zoning. The configuration of the lot and how it slopes is another reason she is voting for approval. She also feels it will fit much better architecturally.

Mr. Hancock stated that the Board is required to find unusual or peculiar circumstances with the land, and this property does not meet those qualifications.

Ms. Wibbels stated that the topography of the land is the unusual circumstance.

Mr. Carroll noted that the applicant can still build the garage if he moves it outside the setbacks, so he will vote against the application. He also noted that there is a small difference in slope but the rest of the property is fairly level. Additionally, the slope is even across the width of the property.

Motion failed 1-4. Wibbels voting 'yes'; Carroll, Hancock, Krieser and Wanser voting 'no'.

Mr. Krieser moved to deny the application, seconded by Mr. Carroll. Motion carried 4-1. Carroll, Hancock, Krieser and Wanser voting 'yes'; Wibbels voting 'no'.

Appeal No. 2376 by August Ponstingl for a variance to increase the area of a pole sign on property generally located at 4221 Industrial Avenue.

PUBLIC HEARING

October 29, 2004

Michael Isaacson stated that he is representing Ross Engineering on behalf of Fairfield Inn. They want to increase the height and width of the sign as the visibility of the sign is very poor. They are asking for a variance to reduce the setback from another lot from 50 feet to 10 feet in order to install a combination sign.

Mr. Carroll stated that the application did not ask for the variance that Mr. Isaacson is requesting. Ms. Horner stated that the applicant requested a variance to increase the area of the sign.

Tonya Skinner stated that the applicant will need to ask for a deferral and re-submit the application. The applicant then asked the Board to defer the application.

Mr. Wanser moved to defer the application until the next meeting, seconded by Mr. Krieser. Motion carried 5-0. Carroll, Hancock, Krieser, Wanser and Wibbels voting 'yes'.

There being no further business, Mr. Carroll adjourned the meeting at 2:00 p.m.

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